

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTMAR WITTINE,

Plaintiff, No. CIV S-03-1676 LKK PAN P

vs.

F. T. DESCHLER, et al.,

Defendants. ORDER

On June 19, 2006, defendants Ornoski, S. Ransdell and Rianda filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).<sup>1</sup> Plaintiff has not opposed the motion.

Local Rule 78-230(m) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . . .” On April 19, 2006, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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<sup>1</sup> On the same day, defendants Dawson, Deschler and C. Ransdell filed an answer to the complaint.

1 Local Rule 11-110 provides that failure to comply with the Local Rules "may be  
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
3 inherent power of the Court." In the order filed April 19, 2006, plaintiff was advised that failure  
4 to comply with the Local Rules may result in a recommendation that the action be dismissed.

5 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
6 date of this order, plaintiff shall file an opposition, if any he has, to the motion to dismiss or a  
7 statement of non-opposition. Failure to comply with this order will result in a recommendation  
8 that plaintiff's claims against defendants Ornoski, Ransdell and Riana be dismissed from this  
9 action pursuant to Federal Rule of Civil Procedure 41(b).

10 DATED: July 24, 2006.

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12 John F. Winkler  
13 UNITED STATES MAGISTRATE JUDGE

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